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6 Attorneys for Defendant

Raj Abhyanker

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 NEXTDOOR.COM, INC., a Delaware
12 corporation,

13 Plaintiff,

14 vs.

15 RAJ ABHYANKER, an individual,

16 Defendant.

Case No. 3:12-cv-05667-EMC

**DECLARATION OF RAJ ABHYANKER
IN SUPPORT OF SEALABILITY
PURSUANT TO L.CIV.R. 79-5**

Date: October 16, 2014

Time: 1:30 p.m.

Courtroom: 5 – 17th Floor

Judge: Honorable Edward M. Chen

1 I, Raj Abhyanker, declare as follows:

2 1. I am the Defendant in this lawsuit. I make this Declaration in support of the
3 currently-pending Administrative Motion to Seal certain confidential records filed by plaintiff
4 Nextdoor.com, Inc. in support of its reply to my opposition to its partial summary judgment
5 motion. The matters set forth herein are of my own personal knowledge, and if called upon to
6 testify as to such matters, I could and would do so. I file this declaration in the public record, as I
7 avoid discussing any more than the general nature of the confidential documents herein and do
8 not refer specifically to their content.

9 2. I have designated certain disclosed documents as confidential in this case to limit
10 their circulation, pursuant to the protective order on file in this case (Dkt. 102). The protective
11 order permits confidentiality designation to documents constituting, *inter alia*, sensitive
12 “commercial information” pursuant to Fed.R.Civ.P. 26(e).

13 3. I wish to maintain the confidential nature of these documents because they are
14 closely-held documents of non-party Fatdoor I, which were generated or shared on a limited basis
15 in conjunction with financing transactions for that business. To my knowledge, I nor anyone
16 affiliated with Fatdoor I, has authorized these documents’ public filing or general release, and
17 they should continue to be treated as private and confidential, as they have through discovery and
18 summary judgment filing.

19 4. The following provides support for continued sealing pursuant to the pending
20 Administrative Motion to Seal for enumerated exhibits to the Jennifer Kelly and David McCain
21 declarations filed in support of the reply of Nextdoor.com, Inc.

- 22 a. Kelly Exhibit F: I believe that expert O’Leary’s report is hearsay and I
23 understand that this means that it does not meet admission rules. It is my
24 understanding that expert O’Leary did not attach his report to his own
25 declaration supporting my opposition to partial summary judgment for just
26 this reason. To the extent this expert report is deemed admissible for
27 present purposes, the confidentiality designation – and thus the need to seal
28 the expert report and exhibits to it – should be maintained because, as I

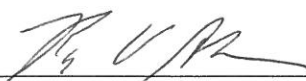
1 understand it, the report relies on expert O'Leary's review of certain
2 records of Fatdoor I provided to aid him in formulating his opinions. I and,
3 to my knowledge, all those affiliated with Fatdoor I have always regarded
4 the content of these records of Fatdoor I as closely-held and not for general
5 circulation. I understand that, at trial, expert O'Leary can be examined or
6 cross-examined as to any of those documents, to the extent not
7 inadmissible or otherwise excluded based on objection.

8 b. McCain Exhibits B-F: I understand that each of these documents relate to
9 diligence documents provided to potential venture capital investor
10 Benchmark Capital in Fatdoor I. These documents contain sensitive
11 business, structural, financial or human resources content from Fatdoor I
12 that was and is not intended for general circulation.

13 c. McCain Exhibits G and H: I understand that each of these screenshots
14 relates to diligence documents provided to potential venture capital
15 investor Benchmark Capital in Fatdoor I. These screenshots contain
16 sensitive prototyping information that was and is not intended for public
17 filing or general circulation.

18 d. McCain Exhibit I-L: I understand that each of these exhibits is, or
19 contains, information located on or reflecting the confidential contents of
20 recovered content related to diligence material provided to Benchmark
21 Capital by Fatdoor I. This information was and is not intended for public
22 filing or general circulation.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct. Executed this 7th of October, 2014 at Mountain View, California.
25

26 
27 Raj Abhyanker
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